

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JUN 21 1996

Returned to applicant for correction

Corrected application filed

Map filed

The applicant Empire Farms, hereby makes application for permission to change the Point of Diversion of water heretofore appropriated under Permit 46787

1. The source of water is Underground
2. The amount of water to be changed 0.213 c.f.s (68.0 afa)
3. The water to be used for No Change
4. The water heretofore permitted for Irrigation
5. The water is to be diverted at the following point Within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24 T.30N., R.22E., M.D.B.&M. or at a point from which the E $\frac{1}{4}$ corner of said Section 24 bears S. 86° 28'58" E. a distance of 2627.89 feet. (well # 3)
6. The existing permitted point of diversion is located within Within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24 T.30N., R.22E., M.D.B.&M., or at a point from which the E $\frac{1}{4}$ Corner of said Section 24 bears S. 86°28'58" E. a distance of 2627.89 feet. (well # 3)
7. Proposed place of use No Change
8. Existing place of use NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, T.30N., R.22E., M.D.B.&M. Total 17.0 acres.
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works Existing well, pump, motor and distribution system.
12. Estimated cost of works \$50,000.00
13. Estimated time required to construct works Existing under 29932
14. Estimated time required to complete the application of water to beneficial use 3 years
15. Remarks: This application is being filed to correct the Point of Diversion as shown on permit 46787. For the Proposed Point of Diversion & Existing Place of Use please refer to map filed under 46787.

s/Greg M. Bilyeu
By Sierra Resource Engineering, Inc
P.O. Box 24910
Carson City, Nevada 89721

Compared lew/ gkl jr/cms

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 46787 is issued subject to the terms and conditions imposed in said Permit 46787 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 60896 and 62242 shall not exceed 68.0 acre-feet annually.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.213 cubic feet per second, not to exceed 68.0 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 29, 1999

Proof of completion of work shall be filed before:

April 29, 1999

Application of water to beneficial use shall be filed on or before:

March 29, 2000

Proof of the application of water to beneficial use shall be filed on or before:

April 29, 2000

Map in support of proof of beneficial use shall be filed on or before:

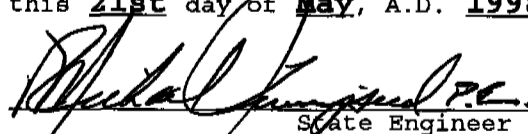
April 29, 2000

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 21st day of May, A.D. 1998


State Engineer

Completion of work filed MAR 18 1999

Proof of beneficial use filed MAR 30 1999

Cultural map filed MAR 30 1999

Certificate No. 15246 Issued AUG 16 1999